

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

FILED

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MAR 18 1997

JOHN W. BOYLE
J.S.C.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-UNION COUNTY
DOCKET NO: UNN-C-23-97

PETER VERNIERO, ATTORNEY
GENERAL OF NEW JERSEY and
THE NEW JERSEY STATE BOARD
OF DENTISTRY

Plaintiffs,

v.

MARCELO LOPEZ
Properly known as ANDRES LOPEZ
Defendant

CIVIL ACTION

CONSENT ORDER AND JUDGMENT

This matter was opened to the Court by Peter Verniero, Attorney General of New Jersey, counsel for plaintiff New Jersey State Board of Dentistry, Deputy Attorney General Marilyn Bair appearing, upon the filing of an Order to Show Cause for Injunctive Relief with Temporary Restraints and Authorization for Inspection and Impoundment of Evidence and a Verified Complaint alleging that defendant engaged in the unlicensed practice of dentistry in violation of the Dental Practice Act at N.J.S.A. 45:6-1 et seq. An Order entering temporary restraints and authorizing the impoundment of evidence of unlawful dental practice was entered by the Court ex parte on February 3, 1997. Defendant was served with the Order to Show Cause with Temporary Restraints, Verified Complaint, and letter brief on February 13, 1997.

It appearing that the defendant has agreed to the entry of a Consent Order and Judgment settling this matter, and defendant admitting that he engaged in the unlicensed practice of dentistry in the State of New Jersey as alleged in the Attorney General's complaint, and it further appearing that the entry of a permanent injunction and the imposition of an assessment are warranted, and for good cause shown;

IT IS ON THIS 18 DAY OF March 1997

HEREBY ORDERED AND AGREED THAT:

1. It is newly discovered that defendant's correct name is "Andres Lopez" and not "Marcelo Lopez" as indicated on the pleadings and Order to Show Cause. Further, Andres Lopez agrees that he is the person who engaged in the unlicensed practice of dentistry as described in the Verified Complaint, letter brief, and Order to Show Cause For Injunctive Relief with Temporary Restraints and Authorization for Inspection and Impoundment of Evidence, all documents having been filed in the Superior Court of New Jersey, Chancery Division, Union County on February 3, 1997.
2. Defendant Andres Lopez, incorrectly having been referred to as "Marcelo Lopez", shall be permanently enjoined from engaging in or offering to engage in the practice of dentistry as defined in the Dental Practice Act at N.J.S.A. 45:6-1 et seq. until licensure from the New Jersey State Board of Dentistry is secured. Defendant further shall not be permitted to own, possess or control any dental instruments, material, supplies or equipment as are customarily utilized in the practice of dentistry.
3. Defendant shall be assessed five thousand dollars (\$5,000.00) for the use of the State pursuant to N.J.S.A. 45:1-25. Said assessment

shall be paid by certified check or money order made payable to the State of New Jersey and shall be submitted to the Board of Dentistry. Defendant, having elected to pay said assessment on a monthly installment basis, shall make payments of two hundred and fifty dollars (\$250.00) a month for a period of twenty (20) consecutive months commencing on the first day of the month after the entry of the Consent Order and Judgment.

Payment shall be sent to Agnes Clarke, Executive Director, Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101. If defendant fails to make any monthly installments in a timely manner as provided, the entire remaining balance shall immediately become due and payable without further notice.

4. The Division of Consumer Affairs, Enforcement Bureau, shall be authorized to dispose of the dental equipment and items confiscated in the impoundment of February 13, 1997 in such manner as it determines to be appropriate. Prior to such disposal the defendant shall have the opportunity to request the return of any impounded items which are not utilized in the practice of dentistry. In the event of disagreement concerning whether a particular item is utilized in the practice of dentistry, the Board of Dentistry shall make the final determination whether the item shall be returned to the defendant.

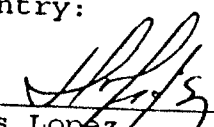
5. This Order is intended to resolve solely the civil licensure issues arising in connection with the allegations made by the Attorney General in the Verified Complaint before the Court. The entry of this Order shall not limit the authority of the Attorney General or any other person or agency to initiate any further action permitted by law, whether

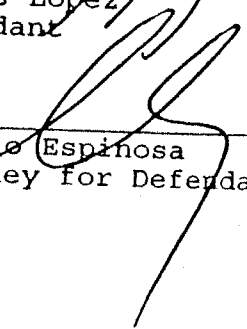
administrative, civil or criminal, in any court of competent jurisdiction
in connection with any other matters.



HON. JOHN BOYLE, J.S.C.

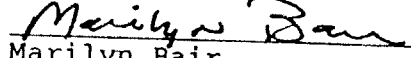
Consented to as to form
and entry:



Andres Lopez
Defendant

Antonio Espinosa
Attorney for Defendant

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By 

Marilyn Bair
Deputy Attorney General
Counsel for Plaintiffs

IF THIS IS A MONEY JUDGMENT OR ORDER,
IT WILL NOT BE AUTOMATICALLY RECORDED
AS A STATEWIDE LIEN. TO DO SO, FORWARD
IT DIRECTLY TO THE CLERK OF THE SUPERIOR
COURT IN TRENTON ALONG WITH A \$25.00 FEE.